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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3 06-70413 MEJ
)	
Plaintiff,)	[PROPOSED] ORDER EXCLUDING
)	TIME FROM JULY 18, 2006 THROUGH
v.)	AUGUST 1, 2006 FROM
)	CALCULATIONS UNDER THE SPEEDY
KAI BUTLER,)	TRIAL ACT (18 U.S.C. § 3161) AND
)	UNDER F.R.C.P. 5.1
Defendant.)	

The parties appeared before this Court on the pending complaint on July 18, 2006. The defendant was personally present. V. Roy Lefcourt, Esq., appeared specially on behalf of the defendant. Gregg Lowder, Assistant United States Attorney, appeared for the United States. The Court continued the matter to August 1, 2006 @ 9: 30 a.m. for defendant's next appearance in magistrate court.

At the request of the defendant, the Court enters this order continuing this hearing and excluding time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and from calculations under Federal Rule of Criminal Procedure 5.1, from July 18, 2006 through August 1, 2006. The parties, including the defendant, agree and the Court finds and holds as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under Federal Rule of Criminal Procedure

Order re Speedy Trial Exclusion of Time
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1 Rule 5.1, from July 18, 2006 through August 1, 2006 based upon the desire of the defense
2 to analyze the discovery presented before an indictment is sought by the government; to
3 present an early settlement offer to the government prior to indictment; to continue to
4 permit the defendant time to negotiate the retention of attorney V. Roy Lefcourt as his
5 attorney in this case; to allow him time to effectively prepare the defendant's case; and for
6 continuity of counsel, as attorney V. Roy Lefcourt will be out of state for one week
7 between July 18, 2006 and August 1, 2006.

8 2. The defense attorney V. Roy Lefcourt, specially appearing, joins in the request to
9 exclude time under the Speedy Trial Act and under Federal Rule of Criminal Procedure
10 5.1 for the above reasons, and believes the exclusion of time is necessary for him to
11 effectively preparation a defense and for continuity of counsel, and is in the defendant's
12 best interests, and further agrees the exclusion under the Speedy Trial Act, 18 U.S.C. §
13 3161 and under Federal Rule of Criminal Procedure 5.1 should be from July 18, 2006
14 through August 1, 2006.

15 Given these circumstances, the Court finds that the ends of justice served by excluding
16 from calculations the period from July 18, 2006 through August 1, 2006, outweigh the best
17 interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. §
18 3161 and under the rights encompassed in Federal Rule of Criminal Procedure 5.1. Accordingly,
19 and at the request of the defendant personally, the Court (1) sets an appearance date before the
20 Honorable Joseph C. Spero, United States Magistrate Judge, on August 1, 2006, @ 9:30 a.m.,
21 and (2) orders and finds that the time from July 18, 2006 through August 1, 2006 is excluded

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from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under Federal Rule of Criminal Procedure 5.1.

SO STIPULATED:

DATED: August 16, 2006

/S/
V. ROY LEFCOURT
Attorney for Defendant (Specially Appearing)

DATED: August 7, 2006

/S/
GREGG W. LOWDER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: August 16, 2006

EDWARD M. CHEN
United States Magistrate Judge

